

OFFICE OF THE STANDING CHAPTER 13 TRUSTEE
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IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

IN RE:

Case No: 08-40814-RFN

MARK A DOWNS & WANDA J DOWNS

Pre-Hearing Conference:
Friday, May 9, 2008

Debtors,

Docket Call at 8:30 AM

TRUSTEE'S OBJECTION TO CONFIRMATION

TO THE HONORABLE RUSSELL F NELMS, U.S. BANKRUPTCY JUDGE:

Now comes Tim Truman, the Standing Chapter 13 Trustee and files this his "Trustee's Objection to Confirmation" of the Plan heretofore filed herein by Debtors, and for the same would respectfully show the Court as follows:

Based on information provided by the Debtors, the Trustee is unable to determine if the Plan meets the requirements of 11 U.S.C. Section 1322 and 11 U.S.C. Section 1325. In this regard the Trustee would show the following:

The Debtor has been scheduled for a business interview on April 15, 2008. Therefore, until the financial affairs of the Debtor are more completely examined, the Trustee currently is unable to recommend confirmation of the plan. Additionally, based on current information available, it appears that Debtor must provide an unsecured creditors pool of \$18,000 (300 x 60 months) under the disposable income test under 11 U.S.C. Section 1325(b). The current unsecured creditors' pool is less than \$18,000. Finally, the Debtor has not filed and / or provided the 2006 tax return as required by 11 U.S.C. Sections 1325(a)(9) and 1308.

WHEREFORE, PREMISES CONSIDERED, the Trustee prays that said Plan not be confirmed unless and until it has been modified to cure all objections set forth herein above, and for general relief.

Respectfully submitted,

By: /s/ John Dee Spicer

Tim Truman, Bar# 20258000
Standing Chapter 13 Trustee
John Dee Spicer, Bar# 18930500
Angela Allen, Bar# 007869700

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing "Trustee's Objection to Confirmation" was served on all parties enlisted to receive electronic notice on April 1, 2008, as well as all parties entitled to received notice but not enlisted to receive electronic notice (including the Debtor and parties who have filed a notice of appearance requesting service by mail) by first class

/s/ John Dee Spicer

Tim Truman, John Dee Spicer, Angela Allen

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